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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,030	07/22/2003	Esther C. Fuhrman	103342-49647	9536

7590 10/04/2005  
Stephen E. Feldman, P.C.  
12 East 41 Street  
New York, NY 10017

EXAMINER
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SANDY, ROBERT JOHN

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*HL*

## Office Action Summary

Application No.

10/625,030

Applicant(s)

FUHRMAN ET AL.

Examiner

Robert J. Sandy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-13, 15-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8, 10, 12, 13, 15, 16 and 21-27 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 9, 11 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a final Office action in response to the Amendment filed on 5 June 2005.

Claims 1-3, 6, 8-13, 15-17, 19, 21, and 22 have been amended.

Claims 4, 5, 14, and 20 have been canceled.

Claims 24-27 have been added.

Claims 1-3, 6-13, 15-19, and 21-27 are pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 9, 11, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Levy (U. S. Patent No. 5,197,168, cited by applicants). Levy ('168) discloses a jewelry clasp comprising, a first body (4) having a first magnetic means (34, 50) forming a flat, planar magnetically attractive surface (flat surface of the magnet) having a north pole and a south pole (magnets inherently possess a north pole and south pole), a second body (6) having a second magnetic means (36, 52) forming a magnetically attractive surface (surface of magnet) having a north pole and a south pole, said magnetic means of said first and second bodies being aligned along a longitudinal centerline of the clasp, said magnetically attractive surfaces adapted to be positioned in an abutting relationship (see Figures 2 and 5) with the poles of one of the bodies being aligned with the opposite poles of the other body, a safety catch (8), said safety catch having one end pivotally mounted (at 18) to the first body and having a protrusion (end portion having 22, 26, 28, 29) extending outwardly from the other end, said safety catch being rotatable about the pivotal mounting to a latched position, and an interconnecting element (end surface portion 33) located on the second body and being a certain distance from an edge (distal end of ring 16) of the second body, wherein the protrusion engages the interconnecting element to latch the first and second bodies together;

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(concerning claim 3) the first and second magnetic means comprises a bipolar bar (i.e., cylindrical bar) magnet having a north and a south pole;

(concerning claim 9) Levy ('168) further discloses wherein the first body having at least one recess and the first magnetic means with a magnetically attractive surface having a north pole and a south pole located within said at least one recess, said north and south pole being aligned along a longitudinal centerline of the first body, the second body having at least one recess and the second magnetic means with a magnetically attractive surface having a north pole and a south pole located within said at least one recess, said north and south pole being aligned along a longitudinal centerline of the second body;

(concerning claim 11) the first and the second body each have one recess (respective bores for containing the magnets, as shown in Figures 2, 3, 5, 6) formed therein and the first and second magnetic means comprises a bipolar bar magnet located in each of said one recess of said first and second bodies, each of said bar magnets having a north pole and a south pole; and

(concerning claims 17 through 19) by Levy ('168) disclosing the claimed jewelry clasp structure, Levy ('168) also discloses the claimed method of completing the connection of a jewelry clasp, said method comprising the steps of: providing a first body having a jewelry chain affixed thereto and having a surface with a magnetic means having a south pole and a north pole aligned along a longitudinal centerline of the jewelry clasp, providing a second body having a jewelry chain affixed thereto and having a surface with a magnetic means having a south pole and a north pole aligned along a longitudinal centerline of the jewelry clasp, joining the first and second bodies together by aligning and facing the north and south poles of one of said bodies with, respectively, the south and north poles of the other of said bodies, providing a safety catch affixed to one of the bodies and adapted to be movable to a latched position, and providing an interconnecting element (end surface portion 33) on the other body, the interconnecting element being a certain distance from the edge (distal end of ring 16) of the other body, whereby the protrusion engages the interconnecting element to latch the first and second bodies together; wherein the step of providing a first body and a second with a magnetic means having a north pole and a south pole comprises providing a first body with a bi-polar bar magnet and a second body with a bi-polar bar magnet; wherein the step of providing a safety catch comprises providing a safety catch having a protrusion that extends outwardly and engages the other of said

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bodies; and wherein the step of providing a safety catch comprises providing a safety catch having a protrusion with an inwardly directed lip that overlaps the other body.

***Allowable Subject Matter***

In view of applicant's amendments incorporating the allowable subject matter indicated in the prior Office action, claims 6-8, 10, 12, 13, 15, 16, 21-23, and 25-27, are allowed.

Claims 23 was indicated as allowed indicated in the prior Office.

Claim 24 is allowed for the reason that the prior art of record fails to teach or suggest a jewelry clasp having the structural combination the combination of elements requiring: wherein the first magnetic means forming a bipolar magnetically attractive surface having a north pole and a south pole on a same side of the surface, the second magnetic means forming a flat, planar, bipolar magnetically attractive surface having a north pole and a south pole on a same side of the surface, the magnetic means of the first and second bodies being aligned along a longitudinal centerline of the clasp, and the safety catch. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments in the response filed 4 August 2005 with respect to claim 24 have been fully considered and are persuasive. Claim 24 has been indicated as allowed in this Office action.

Applicant's arguments filed 06 May 2005 with respect to claims 1 and 9 have been fully considered but they are not persuasive. Applicant's argument regarding the Levy ('168) does not disclose the claimed subject matter pertaining to the interconnecting element located on the second body and being a certain distance from the edge of the second body is not found persuasive. The claim limitation is read broadly and thus interpreted broadly such that this claim

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limitation/subject matter has been met by Levy ('168) since claimed subject matter fails to require any structural requirement defining the interconnecting element.

In view of applicant's amendments the claims, the claim rejection(s) under 35 U.S.C. 112, second paragraph, indicated in the prior Office action each have been withdrawn.

### ***Conclusion***


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Sandy whose telephone number is 703-305-7413. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**

Robert J. Sandy  
Primary Examiner  
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